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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/919,444
Filing Date: July 31, 2001
Appellant(s): STULTZ ET AL.

James R. Bell
Reg. No. 26,528
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 09/25/2006

appealing from the Office action mailed 03/02/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

NEC Specification, 1997, pp. 2-8 through 2-35.

Microsoft Press Computer Dictionary, Third Edition, 1997, p. 469.

6065067	HOBSON et al.	5-2000
6064666	WILLNER et al.	5-2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 3-12, 14-24, 26-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over NEC and in view of Microsoft Computer Dictionary (Third Edition, 1997) (hereinafter Microsoft), further in view of Hobson et al (US 6065067) and further in view of Willner et al (US 6064666).

As per claims 1, 12, 23-24, NEC discloses a computer system, method and computer program product comprising: a processor; a memory coupled to the processor, the memory storing a pre-selected input characteristic; a stored password; instructions, during a POST procedure when extended security is enabled, causing the computer system to enter a mode non-responsive to inputs except the pre-selected input; instructions causing the processor to compare a first input entered by the user to the pre-selected input characteristic; instructions

causing the processor to ignore an input during a power-on self test procedure unless the first input matches the pre-selected input characteristic (see page 2-18); instructions causing the processor to prompt a user of the computer system for a password when the first input matches the pre-selected input characteristic; instructions causing the processor to compare a password entered by the user to the stored password; and instructions causing the processor to process inputs during the power-on self test procedure subsequent to the first input when the password entered by the user matches the stored password (see page 2-29) and masking a processor from the inputs from an input/output device during power-on self test; and the reception of the input that corresponds to the predetermined data is performed by the processor (see page 2-18).

NEC fails to disclose the memory further stores instructions causing the processor to process inputs other than the first input if the password entered by the user is entered within a pre-specified period of time after the user is prompted.

However, Microsoft teaches this method of a timeout (see page 469).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Microsoft's method of a time out for the password of the NEC system.

Motivation to do so would have been to protect it against crackers (see Microsoft page 469).

The modified NEC and Microsoft system fails to disclose in response to a password entry, the processor ignores an input other than the pre-selected input characteristic if the password is not entered within a pre-specified time period after the prompt; and the password is entered within the pre-specified time period, but there is no match with the stored password.

However, Hobson et al teaches restarting the computer when an incorrect BIOS password is entered (see column 3 lines 14-26); and Willner et al teaches performing the same action when either an incorrect password is entered or a timeout has occurred (see column 12 lines 9-13).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to restart the modified NEC and Microsoft system if an incorrect password is entered or a timeout occurs.

Motivation to do so would have been to protect against changing the system resources (see Hobson et al column 3 lines

14-26), and to block a request (see Willner et al column 12 lines 14-22).

As per claims 3-4, 14-15, the modified NEC, Microsoft, Hobson et al and Willner et al system discloses the data corresponds to an F2 key (see NEC page 2-18).

As per claims 5, 16, 26, the modified NEC, Microsoft, Hobson et al and Willner et al system discloses the processing of inputs other than the first input enables the user to access a system setup procedure (see page NEC 2-18).

As per claims 6, 17, 27, the modified NEC, Microsoft, Hobson et al and Willner et al system discloses the processing of inputs other than the first input enables the user to request boot functions (see page NEC 2-25).

As per claims 7, 18, 28, the modified NEC, Microsoft, Hobson et al and Willner et al system discloses the processing of inputs other than the first input enables the user to reboot the computer system (see NEC page 2-9).

As per claims 8, 19, 29, the modified NEC, Microsoft, Hobson et al and Willner et al system discloses the processing of inputs other than the first input enables the user to switch off a power supply of the computer system (see NEC page 2-8).

As per claims 9, 20, 30, the modified NEC, Microsoft, Hobson et al and Willner et al system discloses the processing

of inputs other than the first input enables the user to access an Option Read Only Memory utility (see NEC pages 2-18 through 2-33).

As per claims 10, 21, 31, the modified NEC, Microsoft, Hobson et al and Willner et al system discloses the processing of inputs other than the first input enables the user to halt a power-on self-test function (see NEC page 2-17 and entering the setup halts the POST).

As per claims 11, 22, 32, the modified NEC, Microsoft, Hobson et al and Willner et al system discloses the processing of inputs other than the first input enables the user to omit a power-on self-test function (see rejection of claims 8, 19, 29 where it is clear that powering the system off will omit the POST).

(10) Response to Argument

Appellant argues that the references fail to teach or suggest all claim elements.

Appellant has not addressed any specific claims or claimed limitations in this argument so all claims stand or fall together with the independent claims.

With respect to independent claims 1, 12, and 23, NEC discloses a computer system, method and computer program product comprising: a processor; a memory coupled to the processor (see page 2-8 where memory coupled to a processor are in all computer

systems), the memory storing a pre-selected input characteristic (see page 2-18 where the pre-selected input is the "F2" key); a stored password; instructions, during a POST procedure when extended security is enabled, causing the computer system to enter a mode non-responsive to inputs except the pre-selected input; instructions causing the processor to compare a first input entered by the user to the pre-selected input characteristic; instructions causing the processor to ignore an input during a power-on self test procedure unless the first input matches the pre-selected input characteristic (see page 2-18 and 2-29 where the setup is not entered and the system continues the POST procedure unless "F2" is pressed and when "F2" is pressed the security password described on page 2-29 must be entered); instructions causing the processor to prompt a user of the computer system for a password when the first input matches the pre-selected input characteristic; instructions causing the processor to compare a password entered by the user to the stored password; and instructions causing the processor to process inputs during the power-on self test procedure subsequent to the first input when the password entered by the user matches the stored password (see page 2-29 when "F2" is pressed the security password described on page 2-29 must be entered and as with all passwords it is compared with a

previously stored password and when a match occurs the user is allowed to enter the setup which is described in pages 2-18 through 2-35).

Microsoft teaches the method of a timeout to protect the system against unauthorized users (see page 469) and therefore the combination of NEC and Microsoft teaches a timeout on the BIOS password to protect it against unauthorized users.

Hobson et al teaches restarting the computer when an incorrect BIOS password is entered (see column 3 lines 14-26); and Willner et al teaches performing the same action when either an incorrect password is entered or a timeout has occurred (see column 12 lines 9-13). Therefore the combination of NEC, Microsoft, Hobson et al. and Willner et al. teaches ignoring other inputs besides the predetermined input, because when the system is restarted all inputs are again ignored as the POST procedure is started over again, when the password is incorrect or times out.

Appellant argues the references do not suggest desirability of the combination.

The Examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the

references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case one of ordinary skill in the art would have been motivated to combine the teaching of Microsoft in the NEC system in order to protect the system against crackers (see Microsoft page 469). Furthermore, one of ordinary skill in the art to combine the teachings of Hobson et al in the combined NEC and Microsoft system; motivation to do so would have been to protect the system against changing the system resources (see Hobson et al column 3 lines 14-26). Finally, one of ordinary skill in the art to combine the teachings of Willner et al in the combined NEC, Microsoft and Hobson et al system; motivation to do so would have been to block a request (i.e. prevent unauthorized requests)(see Willner et al column 12 lines 14-22). Therefore, the references provide a desirability to make the proposed combinations.

Appellant argues neither Hobson nor Willner teach not halting a boot or reboot in progress during a POST procedure by adding a timeout.

With respect to this argument Appellant specifically states that each reference teaches restarting a system as opposed to

not halting a boot or reboot. However, these references were not relied upon for the specific teaching of a timeout. The Microsoft reference was relied upon for the teaching of a timeout to prevent the system to be halted by an unauthorized user (see page 469). Hobson and Willner indeed teach restarting a system when an incorrect password is entered or a timeout occurs. This restarting merely starts the POST procedure over again and therefore the POST procedure is still being processed after the timeout occurs and the system is restarted. Therefore the combination of NEC, Microsoft, Hobson and Willner teaches not halting a boot or reboot in progress during a POST procedure by adding a timeout.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Michael J. Pyzocha 11/29/06

November 29, 2006

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Conferees:

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